

REMARKS/ARGUMENTS

The Office Action mailed November 18, 2008 has been received and the Examiner's comments carefully reviewed. Claims 20-24, 27-29, 44-53 are rejected. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

Claim Rejections – Double Patenting

Claims 20-24, 27-29, 44-53 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 7,349,691 in view of Kaiser (US 6,060,996). Applicants have filed a terminal disclaimer herewith and respectfully request that the rejection be withdrawn.

Claim Rejections – 35 U.S.C. 103

Claims 20, 23, 25-29, 44,48-50, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorang et al (US Pat No. 5,548,814) in view of Dorenbosch (US 6,081,202) and Gaskill et al (US 5,301,358). Claims 21-22, 24, 45-47, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable by Lorang in view of Dorenbosch and Gaskill et al, and further in view of Hoff (US 5,168,271). Applicants respectfully disagree.

Claim 20 recites in part “a digital radio that is configured to receive information content in a localcast-mode and in a broadcast-mode, and to transmit information content in a localcast-mode; wherein the broadcast mode operates on a subcarrier of a wide area transmitting channel and the localcast mode operates on a directly modulated main channel that is different from the wide area transmitting channel at which the broadcast mode operates; a digital control and processing circuit that generates receive commands in response to tracking information received on broadcast mode such that the tracking information is received on a different channel than the

mobile device transmits on, wherein the receive commands describe a receive frequency, antenna tuning parameters, and a duration of capture time.” The Office Action, however, did not address each of the elements of Applicants’ previously amended claims.

The channel in which receive commands are received is not addressed.

For example, the Office Action did not address Claim 20’s previously added limitation of “a digital control and processing circuit that generates receive commands in response to tracking information received on broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on.” The basis of the rejection of this limitation is not clear.

For example, with respect to claim 20, the Office Action simply states “Regarding claim 20, Lorang further discloses a mobile device, comprising . . . digital processing circuit (see refs. 354, 356, 374 in Fig. 10).” (Office Action, page 4). The rejection simply addresses a digital processing circuit but not a digital control and processing circuit *that generates receive commands in response to tracking information received on broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on.* The rejection does not address the generation of receive commands in response to tracking information. Similarly, the rejection does not address tracking information received on a different channel than a mobile device transmits on.

In fact, where the Office Action addresses receive commands, the Office action states that Lorang does not teach them. Receive commands are addressed with respect to Claim 44. Although the Office Action offers more details with respect to the rejection of Claim 44, the basis of the rejection is equally unclear. There, the Office Action states “Lorang fails to teach a tuning process for the mobile paging device in response to a receive command.” (Office Action, page 2). As Lorang fails to teach receive commands or tracking information, Lorang cannot

teach tracking information received on a particular channel, such as on a different channel than a mobile device transmits on.

The Office Action offers no other reference that addresses the channel on which tracking information is received. No where does the Office Action address *tracking information received on a different channel than a mobile device transmits on*. Accordingly, Applicants respectfully request that the rejection be withdrawn or a new Office Action be issued that properly addresses each of the elements of Applicants' claims.

Details of operation of broadcast mode and local cast mode are not addressed.

The Office Action did not address Claim 20's previously added limitation of "wherein the broadcast mode operates on a subcarrier of a wide area transmitting channel and the localcast mode operates on a directly modulated main channel that is different from the wide area transmitting channel at which the broadcast mode operates." The basis of the rejection of this limitation is not clear.

For example, with respect to claim 20, the Office Action simply states "Regarding claim 20, Lorang further discloses a mobile device, comprising . . . a digital radio (see RF front end regarding filters, mixers in Fig. 10)." (Office Action, page 4). The rejection simply recites an RF front end. The rejection does not address the recited details of the operation of the broadcast mode and the local cast mode. In fact, the phrase "wide area transmitting channel" could not be found anywhere in the Office Action. With respect to these elements, the rejection of Claim 44 offers no clarity as these elements are not recited in Claim 44. Accordingly, Applicants respectfully request that the rejection be withdrawn or a new Office Action be issued that properly addresses each of the elements of Applicants' claims.

As none of the cited references, individually or in a motivated combination, teach or suggest all of the elements of Claim 20, Claim 20 is proposed to be allowable. Claims 21-24 and 27-29 are proposed to be allowable as they depend from an allowable base claim.

Claim 44 recites in part “means for receiving a signal that is arranged to receive a first broadcast signal from a broadcast transmitter when the mobile device is in a broadcast mode, is arranged to receive a first localcast signal from a localcast transmitter when the mobile device is in a localcast mode, is arranged to generate receive commands in response to tracking information received when the device is in the broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on, wherein the receive commands describe a receive frequency, antenna tuning parameters, and a duration of capture time, and is arranged to be tuned in response to the receive commands.” As stated above, the Office Action did not address the channel on which tracking information is received. Accordingly, Applicants respectfully request that the rejection be withdrawn or a new Office Action be issued that properly addresses each of the elements of Applicants’ claims. As none of the cited references, individually or in a motivated combination, teach or suggest all of the elements of Claim 44, Claim 44 is proposed to be allowable. Claims 45-49 are proposed to be allowable as they depend from an allowable base claim.

Claim 50 recites in part “a digital processing circuit that generates receive commands in response to received tracking information received when the device is in a broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on, wherein the receive commands describe a receive frequency and a duration of capture time; an antenna assembly configured to be tuned in response to the receive commands; a transceiver that is coupled to the antenna assembly, wherein the transceiver is arranged to provide communication over the antenna assembly in one of the broadcast mode and a localcast mode; wherein the broadcast mode operates on a wide area channel and the localcast mode operates on

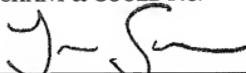
a local area channel that is different from the wide area channel." As stated above, the Office Action did not address the channel on which tracking information is received. Accordingly, Applicants respectfully request that the rejection be withdrawn or a new Office Action be issued that properly addresses each of the elements of Applicants' claims. As none of the cited references, individually or in a motivated combination, teach or suggest all of the elements of Claim 50, Claim 50 is proposed to be allowable. Claims 51-53 are proposed to be allowable as they depend from an allowable base claim.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.



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